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Johan Torsner

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ERICSSON INC.  
6300 LEGACY DRIVE  
M/S EVR 1-C-11  
PLANO, TX 75024

EXAMINER

DONADO, FRANK E

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**ATTACHMENT**

***Response to Arguments***

1. Applicant's arguments regarding claims 1-12, filed 2/8/10, have been fully considered but they are not persuasive for the following reasons:
  
2. Regarding Yun failing to disclose the use of acknowledgments between the radio base station and user equipment in addition to the conventional acknowledgment mechanism between the user equipment and the control element, the claim recites that both the base station and control element generally acknowledge transmissions, either positively or negatively, where said transmissions acknowledged by the base station are received from user equipment and transmissions acknowledged by the control element are received from the base station. Yun is only used to teach the control element acknowledgments, as indicated in Paragraphs 213 and 214, and therefore does not need to additionally teach the base station acknowledgments, which is already taught by Vayanos, as indicated in Column 33, lines 35-41. In addition, there is no correlation/correspondence stated in the claim between the transmission received by the base station and the control element. As stated earlier, there is only an acknowledgment of transmissions, in general, which are performed by both the base station and the control element, as indicated above.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching,

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suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

/Frank Donado/

Patent Examiner, Art Unit 2617